

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

CLYMER FARNER BARLEY, INC.,

Plaintiff,

v.

Case No: 5:21-cv-312-RBD-PRL

JOHN DOE 1-10,

Defendant.

ORDER

This case is before the Court for consideration of third-party Christopher Potts's motion for leave to file a reply to Plaintiff's response in opposition to Christopher Potts's amended and renewed emergency motion for a protective order (Doc. 39). Potts requests leave to file a 10-page reply brief to address standing arguments. Plaintiff opposes the relief requested and argues that Potts should not be granted leave to file the reply because standing is a threshold issue that he should have anticipated and addressed in his initial brief. Plaintiff also argues that, because there is no right to a sur reply, "it would be manifestly unfair for Potts to reserve arguments on essential issues for reply and leave [Plaintiff] in the position where it cannot respond." (Doc. 40).

While Plaintiff's position is not without merit, the Court will nonetheless grant Potts leave to file a reply brief. Third Party Christopher Potts may file a reply brief, but it must be limited to six pages and filed no later than January 24, 2022. Thereafter, Plaintiff may file a sur reply, but it must also be limited to six pages and filed no later than January 31, 2022.

DONE and **ORDERED** in Ocala, Florida on January 20, 2022.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties